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Intellectual Property Causes
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Attorney Docket No. P21539

In re application of Ryoukichi YASHIMA et al.

Serial No. : 10/040,381

Mail Stop NON-FEE

Group Art Unit : 1733

Filed : January 9, 2002

Examiner : John T. Haran

For : METHOD AND APPARATUS FOR WATERPROOFING A WIRE HARNESS

Mail Stop Non-Fee

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

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NOV 28 2003

TC 1700

Sir:

Transmitted herewith is a Response to Restriction Requirement with Traverse in the above-captioned application.

- ☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☐ A Request for Extension of Time.
- ☒ No Additional Fee.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 20	*20	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 3	**3	0	x 43=	\$	x 86=	\$0.00
No. of Dependent Claims.			145=	\$	+290=	\$0.00
Extension Fees for Month				\$		\$0.00
Total:				\$	Total:	\$0.00

*If less than 20, write 20

**If less than 3, write 3

Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

N/A A Check in the amount of \$_____ to cover the filing/extension fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136)(a)(3).

Will. E. Lyndel Re, No.
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P21539.A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 10/040,381	Confirmation No.	5587
Applicant	: Ryoukichi YASHIMA et al.	TC/A.U.	: 1733
Filed	: January 9, 2002	Examiner	: John T. Haran
Atty. Docket No.	: P21539		
Customer No.	: 7055		
Title	: METHOD AND APPARATUS FOR WATERPROOFING A WIRE HARNESS		

RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22312-1450

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TC 1700

Sir :

In response to the Examiner's Restriction Requirement of October 22, 2003, setting a one month period for response extending until November 24, 2003 (November 22, 2003 being a Saturday), Applicants elect the Invention of Group II, with traverse, for the reasons expressed below. Claims 7 - 20 are considered to be "readable" on the invention of Group II (as set forth by the Examiner).

Applicants respectfully traverse the Restriction Requirement. The Examiner has characterized the inventions of Groups I and II as "related as process and apparatus for its practice". The Examiner has stated that the "the process claimed can be practiced by another and materially different apparatus such as a clamp that does not rotate and is not controlled or the process could be practiced by hand. Additionally, the apparatus as claimed can be used to practice another and materially different process such as radially pressing a heat shrinking tube as it shrinks.

However, even if the Examiner's characterization of Groups I and II as defining related process and apparatus for its practice were to be considered correct, Applicants respectfully request that both of the inventions defined in claims 1-20, nevertheless, be

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examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. §803. That is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a "serious burden" on the Patent and Trademark Office in examining claims directed to the non-elected invention since the Examiner will have to search for a method quite similar to that of claims 1 - 6 while searching for the apparatus of claims 7 - 20.

It would appear that the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. That is, if the Examiner were to perform a search for the invention of Group II, there would not appear to be a serious burden in continuing the examination of the other invention of Group I. For this reason, and consistent with office policy as set forth in M.P.E.P. 803, Applicants respectfully request that the Examiner reconsider and withdraw the Requirement for Restriction.

For the foregoing reasons, it is submitted that the Requirement for Restriction in this application is improper and it is respectfully requested that it be reconsidered and withdrawn.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
Ryoukichi YASHIMA et al.

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November 24, 2003
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